

Mississippi Secretary of State
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

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|--|-----------------------------------|---|--|----------------------------------|--------------|
| AGENCY NAME Division of Medicaid | | CONTACT PERSON Margaret Wilson | | TELEPHONE NUMBER 601-359-5248 | |
| ADDRESS 550 High Street, Suite 1000 | | CITY Jackson | | STATE MS | ZIP 39201 |
| EMAIL Margaret.Wilson@medicaid.ms.gov | SUBMIT DATE MAR 31 2021 | Name or number of rule(s): Title 23: Medicaid, Part 209: Durable Medical Equipment, Medical Appliances and Medical Supplies, Chapter 1: Durable Medical Equipment and Medical Appliances, Rules 1.33: Nebulizers and 1.38: Spacer/Aerosol-Holding Chamber. | | | |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This Administrative Code filing removes the prior authorization requirement for nebulizers and inhaler spacers. The Division of Medicaid (DOM) will cover four (4) spacers a year without prior authorization and will no longer require prior authorization on nebulizers based on data from September 2019 to present showing 727 prior authorization requests approved and only 2 requests denied for technical errors.

Specific legal authority authorizing the promulgation of rule: 42 U.S.C. § 1395m; Miss. Code Ann. §§ 43-13-117; 43-13-121. List all rules repealed, amended, or suspended by the proposed rule: 1.33 and 1.38

ORAL PROCEEDING:

- ☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- ☒ Presently, an oral proceeding is not scheduled on this rule.

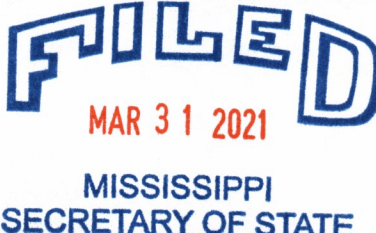

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- ☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|--|--|---|
| _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____ | Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): JUN 01 2021 | Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____ |

Printed name and Title of person authorized to file rules: Drew L. Snyder, Executive Director
 Signature of person authorized to file rules: _____

| OFFICIAL FILING STAMP | DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP | OFFICIAL FILING STAMP |
|---|---|---|
| <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____ | <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#25435</u>  | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____ |

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.